

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room 5A

9:30 AM

8:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Meeting URL: <https://cacb.zoomgov.com/j/1609384985>

Meeting ID: 160 938 4985

Password: 615376

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Smith by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Erithe A. Smith's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-erithe-smith> under the

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"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect 10 minutes before your hearing time so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.

Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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8:17-14535 Prime Metals U.S.A., Inc.

Chapter 7

Adv#: 8:19-01213 Marshack v. An et al

#1.00 CON'TD STATUS CONFERENCE RE: Complaint for: 1. Avoidance and Recover of Constructive Fraudulent Transfers; 2. Avoidance and Recovery of Property of the Bankruptcy Estate; 3. Avoidance of Preferential Transfers; and 4. Recovery of Avoided Transfers

FR: 1-30-20; 3-19-20; 5-21-20; 7-23-20; 10-22-20; 1-21-21; 4-8-21; 5-20-21; 8-19-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/13/2022 AT 9:30 A.M.,
Per Order Entered 11/5/2021 (XX)**

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Only Defendant
Byungwhan Chung, an individual, filed 3/25/2021 - td (3/26/2021)**

Tentative Ruling:

January 30, 2020

Joint status report not timely filed.* Parties must appear and advise the court re the status of this matter.

* The Stipulation and Order [docket #s 5 & 6] only extended the answer date -- did not include an extension of the deadline to file a status report.

Note: Appearances at the hearing are required.

May 21, 2020

Continue the status conference to July 23, 2020 at 9:30 a.m.; updated status report must be filed by July 16, 2020 if the adversary is still pending by such date.

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CONT... Prime Metals U.S.A., Inc.

Chapter 7

Note: Appearances at this hearing are not required.

January 21, 2021

Continue status conference to April 8, 2021 at 9:30 a.m.; updated status report must be filed by March 25, 2021 if the adversary is still pending by such date. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

April 8, 2021

Continue status conference one final time to May 20, 2021 at 9:30 a.m.; updated status report must be filed by May 6, 2021.

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.

May 20, 2021

Continue Status Conference to July 1, 2021 at 9:30 a.m. Court to issue an Order To Show Cause why this adversary should not be dismissed for lack of prosecution to be heard on July 1, 2021 at 9:30 a.m.

Basis for Tentative Ruling:

In his status report filed for the April 21, 2021 hearing, Plaintiff represented that this matter would be resolved. No motion for approval of compromise has been filed in the main case and an updated Status Report was not timely filed by May 6, 2021.

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CONT... Prime Metals U.S.A., Inc.

Chapter 7

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing not required and Plaintiff shall serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Prime Metals U.S.A., Inc.

Represented By
Steven Werth

Defendant(s):

Minho An

Represented By
Michael H Yi

Byungwhan Chung

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Ronald S Hodges
Robert P Goe
Ryan S Riddles

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Laila Masud
David M Goodrich
Robert P Goe

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8:17-14535 Prime Metals U.S.A., Inc.

Chapter 7

Adv#: 8:19-01216 Marshack v. Hyundai Steel Company

#2.00 PRE-TRIAL CONFERENCE RE: Complaint For: 1. Breach of Contract; 2. Breach of Implied Covenant of Good Faith and Fair Dealing; 3. Avoidance and Recovery of Intentional Fraudulent Transfers; 4. Avoidance and Recovery of Constructive Fraudulent Transfers; 5. Avoidance and Recovery of Property of the Bankruptcy Estate; 6. Temporary Restraining Order and Preliminary Injunction; 7. Avoidance of Preferential Transfers; 8. Recovery of Avoided Transfers; 9. Substantive Consolidation; 10. Declaratory Judgment: Alter Ego

FR: 2-6-20; 4-2-20; 8-20-20; 10-1-20; 12-10-20

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/7/2022 AT 9:30 A.M.,
Per Hearing Held 9/9/2022 and Order Entered 9/20/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 4/7/2022 at 9:30 a.m.,
Per Hearing Held 9/9/2022 and Order Entered 9/20/2022 (XX) - td
(9/20/2021)**

Tentative Ruling:

August 20, 2020

Continue Status Conference to October 1, 2020 at 2:00 p.m., same date/time as hearing on pending motion to dismiss. An updated Joint Status Report is not required. (XX)

Note: Appearances at today's hearing are not required.

December 10, 2020

Discovery Cut-off Date:
Pretrial Conference Date:

Sept. 1, 2021
Nov. 18, 2021 at 9:30 a.m.

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CONT... Prime Metals U.S.A., Inc.

Chapter 7

(XX)

Deadline to Lodge Joint Pretrial Stipulation: Nov. 4, 2021

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Prime Metals U.S.A., Inc.

Represented By
Steven Werth

Defendant(s):

Hyundai Steel Company

Represented By
Philip S Warden

Plaintiff(s):

Richard A Marshack

Represented By
Ronald S Hodges
Robert P Goe
Ryan S Riddles

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Laila Masud
David M Goodrich
Robert P Goe

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8:17-14535 Prime Metals U.S.A., Inc.

Chapter 7

Adv#: 8:19-01218 Marshack v. Kim et al

#3.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1. Breach of Fiduciary Duty; 2. Accounting; and 3. Defalcation of Trust (as to Defendant Minho An)

FR: 2-6-20; 10-8-20; 1-21-21; 4-22-21; 5-20-21; 8-19-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/13/2022 AT 9:30 A.M.,
Per Order Entered 11/5/2021 (XX)**

Courtroom Deputy:

SPECIAL NOTE: Notice of Voluntary Dismissal of Only Defendant Ik Dong Kim, aka Kim Zk Dong, an individual, with Prejudice, filed 2/3/2021 - td (2/3/2021); Notice of Voluntary Dismissal of Only Defendant Gill Su Sun, an individual, with Prejudice, filed 3/25/2021 - td (3/26/2021)

Tentative Ruling:

February 6, 2020

Discovery Cut-off Date:	June 1, 2020
Deadline to Attend Mediation:	June 15, 2020
Pretrial Conference Date:	July 16, 2020 at 9:30 a.m.
(XX)	
Deadline to Lodge Joint Pretrial Stipulation:	July 6, 2020

Special Note: The joint status report filed 1/28/20 provides very little information regarding the status of the case, why there is no discovery schedule, and why Plaintiff is waiting for non-answering defendants to participate. Per the docket, only one defendant, Minho An, was granted an extension of time to January 7, 2020 to file an answer. An's answer was timely filed.

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling

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**CONT... Prime Metals U.S.A., Inc.
*order consistent with the same.***

Chapter 7

May 20, 2021

Continue Pretrial Conference to July 1, 2021 at 9:30 a.m. Court to issue an Order To Show Cause why this adversary should not be dismissed for lack of prosecution to be heard on July 1, 2021 at 9:30 a.m.

Basis for Tentative Ruling:

Prior to the April 21, 2021 Pretrial Conference, Plaintiff represented that this matter would be resolved. No motion for approval of compromise has been filed in the main case and a Pretrial Stipulation was not timely filed by May 6, 2021.

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing not required and Plaintiff shall serve notice of the continued hearing date/time.

August 19, 2021

Appearance at this Status Conference is required. Plaintiff must appear and explain why the settlement has not been approved and/or completed after several months.

Party Information

Debtor(s):

Prime Metals U.S.A., Inc.

Represented By
Steven Werth

Defendant(s):

Ik Dong Kim

Pro Se

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CONT... Prime Metals U.S.A., Inc.

Chapter 7

Gill Su Sun

Pro Se

Minho An

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Ronald S Hodges
Robert P Goe
Ryan S Riddles

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Laila Masud
David M Goodrich
Robert P Goe

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9:30 AM

8:18-14603 Sean Pate

Chapter 7

Adv#: 8:19-01058 Euretig et al v. Pate

#4.00 CON'TD STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt

FR: 6-20-19; 12-19-19; 11-19-20; 8-19-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

This adversary proceeding will be stayed in light of the pending state court action, with periodic status conferences. Continue this status conference to December 19, 2019 at 9:30 a.m. An updated status report re the status of the state court action must be filed by December 12, 2019. (XX)

Special note: It is highly likely that once the updated status report is filed, the December 19, 2019 status conference will be continued without the necessity for appearances.

Note: Appearances at this hearing are waived; Plaintiff to lodge a scheduling order consistent with the same.

December 19, 2019

In light of the pending state court matter, continue this Status Conference to November 19, 2020 at 9:30 a.m.; updated joint status report must be filed by November 5, 2020. All discovery stayed until further notice. (XX)

Note: Appearances at this hearing are waived; Plaintiff to lodge a scheduling order consistent with the same.

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Sean Pate

Chapter 7

November 19, 2020

In light of pending state court litigation, continue the Status Conference to August 19, 2021 at 9:30 a.m.; updated Status Report must be filed by August 5, 2021. (XX)

Note: Appearances at this hearing are waived; Plaintiff to lodge a scheduling order consistent with the same.

August 19, 2021

In light of the representation made in the Status Report filed August 5, 2021, regarding a settlement in the state court action, this Status Conference will be continued to November 18, 2021 at 9:30 a.m.; an updated Joint Status Report must be filed by November 4, 2021. The court will set the discovery deadline and the pretrial conference at the November 18, 2021 Status Conference. (XX)

Note: If both parties accept the tentative ruling, appearances at today's hearing is not required and Plaintiff will serve notice of the continued hearing date/time.

November 18, 2021

In light of the settlement of the state court action, continue the Status Conference to January 20, 2022 at 9:30 a.m.. An updated Joint Status Report need only be filed by January 6, 2022 if the adversary is still pending as of such date. In addition, the parties may lodge a stipulated order re relief from the automatic stay to allow the consummation of the settlement.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

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CONT... Sean Pate

Chapter 7

Debtor(s):

Sean Pate

Represented By
Anerio V Altman

Defendant(s):

Sean Pate

Pro Se

Plaintiff(s):

Gary Edelston

Represented By
Jayne A Peeters

Earl B Abramson

Represented By
Jayne A Peeters

Sunwest Trust

Represented By
Jayne A Peeters

Oxnard Street, LLC

Represented By
Jayne A Peeters

Michal Gutentag

Represented By
Jayne A Peeters

Barbara Edelston

Represented By
Jayne A Peeters

Beth Rakow

Represented By
Jayne A Peeters

Jay Rakow

Represented By
Jayne A Peeters

Sunwest Trust

Represented By
Jayne A Peeters

Louis Schwartz

Represented By
Jayne A Peeters

David P Abramson

Represented By
Jayne A Peeters

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CONT...

Sean Pate

Chapter 7

Rachel Euretig

Represented By
Jayne A Peeters

Andrew Euretig

Represented By
Jayne A Peeters

Zvi Gutentag

Represented By
Jayne A Peeters

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

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9:30 AM

8:19-13858 Bruce Elieff

Chapter 7

Adv#: 8:19-01205 Elieff et al v. Kurtin

#5.00 CONT'D STATUS CONFERENCE RE: Second Amended Complaint for Mandatory Subordination and Recovery of Liens Pursuant to 11 U.S.C. §§ 510(b) and 510(c)(2), Avoidance and Recovery of Preferential and Fraudulent Transfers, and Disallowance of Claims Pursuant to 11 U.S.C. §502(d)

FR: 3-5-20; 4-9-20; 4-23-20; 8-20-20; 11-19-20; 12-17-20; 1-21-21; 2-18-21; 5-20-21

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 23, 2020

Continue Status Conference to August 20, 2020 at 9:30 a.m.; joint status report due August 6, 2020. (XX)

August 20, 2020

Continue Status Conference to November 19, 2020 at 9:30 a.m.; updated Joint Status Report to be filed by November 5, 2020. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing is not required. Plaintiffs to serve notice of the continued hearing date/time.

November 19, 2020

Continue the hearing to December 17, 2020 at 9:30 a.m.; the court's order re

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CONT...

Bruce Elieff

Chapter 7

the SJ Motion will be issued in the near future. (XX)

Note: Appearances at this hearing are not required.

December 17, 2020

Continue Status Conference one final time to January 21, 2021 at 9:30 a.m.
(XX)

Note: Appearances at this hearing are not required.

January 21, 2021

Continue the hearing to February 18, 2021 at 9:30 a.m.; the court's order re
SJ will be issued on January 25, 2021. (XX)

Note: Appearances at this hearing are not required.

February 18, 2021

Continue status conference to May 20, 2021 at 9:30 a.m.; updated joint status
report must be filed by May 6, 2021. (XX)

***Note: Appearances at this hearing are not required; Plaintiff serve
notice of the continued hearing date/time.***

May 20, 2021

Continue the Status Conference to November 18, 2021 at 9:30 a.m.; updated
Joint Status Report must be filed by November 4, 2021. (XX)

Special note: The court will not *sua sponte* dismiss the remaining claims. If

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CONT...

Bruce Elieff

Chapter 7

either party is dissatisfied with the tentative ruling, he can file a properly noticed motion for relief.

Note: If both parties accept the tentative ruling, appearances at this hearing are not required and Plaintiff shall service of the continued hearing date/time.

November 18, 2021

Continue the Status Conference to February 17, 2022 at 9:30 a.m.; updated Joint Status Conference must be filed by February 3, 2022.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot
Lisa Nelson

Defendant(s):

Todd Kurtin

Represented By
Lewis R Landau
Edward O Morales

Plaintiff(s):

Bruce Elieff

Represented By
Paul J Couchot

Morse Properties, LLC

Represented By
Paul J Couchot

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CONT...

Bruce Elieff

4627 Camden, LLC

Represented By

Paul J Couchot

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

Alan G Tippie

Daniel A Lev

Sean A OKeefe

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8:20-11898 Louis Sandoval

Chapter 7

Adv#: 8:20-01110 Myers v. Sandoval

#6.00 CON'TD STATUS CONFERENCE RE: Complaint to Object to Debtor's Discharge and Complaint to Determine Non-Dischargeability of Debt Under Section 523(A) (2) of The Bankruptcy Code and For Denial of Discharge Under Section 727(A)(4) of The Bankruptcy Code (Another Summons Issued 10/30/2020)

FR: 1-14-21; 4-15-21; 5-11-21; 8-19-21; 9-16-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 14, 2021

No answer or other response to the Complaint has been filed by the defendant, Louis Sandoval. Accordingly, this Status Conference will be continued to April 15, 2021 at 9:30 a.m. to allow Plaintiff to file a motion for entry of a default judgment against the defendant which provides evidence to support the required elements of fraud under Bankruptcy Code Section 523(a)(2)(A). (XX)

Special Note:

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d). If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status

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CONT...

Louis Sandoval

Chapter 7

Conference for failure to prosecute.

The court strongly suggests that Plaintiff seek legal counsel regarding the preparation of a motion for default judgment.

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at today's hearing is not required; Plaintiff to serve the defendant by mail with notice of the continued hearing date/time.

April 15, 2021

Continue this hearing to May 11, 2021 at 2:00 p.m., same date and time as the hearing on Defendant's motion to dismiss the adversary so that all matters can be heard in the same hearing. (XX)

Note: No appearances for the April 15, 2021 hearing are required.

May 11, 2021

Continue the Status Conference to August 19, 2021 at 9:30 a.m.. A Joint Status Report must be filed by August 5, 2021 (XX)

August 19, 2021

Continue the Status Conference to September 16, 2021 at 2:00 p.m., the same date/time set for hearing on Defendant's motion to dismiss. Updated Status Report not required. (XX)

Note: Appearances at this hearing are not required.

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CONT... Louis Sandoval

Chapter 7

Discovery Cut-off Date:	Mar. 18, 2022
Deadline to Attend Mandatory Mediation:	Apr. 22, 2022
Pretrial Conference Date:	June 2, 2022
Deadline to Lodge Joint Pretrial Stipulation:	May 19, 2022:

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Louis Sandoval

Represented By
Steven B Lever

Defendant(s):

Louis Sandoval

Pro Se

Plaintiff(s):

Charlotte Cysner Myers

Pro Se

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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10:00 AM

8:15-15096 Darshan Upadhyaya

Chapter 7

Adv#: 8:16-01024 Floorit Financial, Inc. v. Upadhyaya

#7.00 CONT'D Examination of Third Person Amanda Upadhyaya aka Amanda C. Ramos Upadhyaya Re: Enforcement of Judgment

FR: 4-9-20; 6-4-20; 9-10-20; 11-19-20; 1-14-21; 5-20-21; 8-5-21

Docket 20

***** VACATED *** REASON: OFF CALENDAR: Order Approving Stipulation to Continue Hearing to July 21, 2022 at 10:00 AM Entered 11-8-21 (Docket No. 57) (XX)**

Courtroom Deputy:

OFF CALENDAR: Order Approving Stipulation to Continue Hearing to July 21, 2022 at 10:00 AM Entered 11-8-21 (XX) (Docket No. 57). -jl/td

Tentative Ruling:

June 4, 2020

Continue the examination to September 10, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse remains closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to September 10, 2020. Depending on the status of pandemic-related rules and policies in place on September 1, 2020, the September 10, 2020 hearing may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

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10:00 AM

**CONT... Darshan Upadhyaya
September 10, 2020**

Chapter 7

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

November 19, 2020

This tentative ruling applies to #s 15 and 16 on today's calendar:

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. However, as this court now conducts hearings on the Zoom platform, the examination may be accommodated by placing the parties in a separate private Zoom "room" after the examinees are sworn in by the courtroom clerk. It will be the responsibility of the Judgment Creditor to either have the court reporter call into the Zoom hearing at the commencement of the hearing or to make other arrangements for the participation of the court reporter. Alternatively, the Judgment Creditor is free to schedule an examination outside the courthouse, including by video conference, in which case this hearing will be continued to January 14, 2021 at 10:00 a.m.

The Judgment Creditor shall advise the courtroom clerk of its choice at the time of the calendar roll call.

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CONT... Darshan Upadhyaya

Chapter 7

Party Information

Debtor(s):

Darshan Upadhyaya

Represented By
Amid Bahadori

Defendant(s):

Darshan Upadhyaya

Represented By
Amid Bahadori

Plaintiff(s):

Floorit Financial, Inc.

Represented By
Tom Roddy Normandin
James T Jackson

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Jeremy Faith
Nina Z Javan
Meghann A Triplett

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10:00 AM

8:15-15096 Darshan Upadhyaya

Chapter 7

Adv#: 8:16-01024 Floorit Financial, Inc. v. Upadhyaya

#8.00 CONT'D Examination of Judgment Debtor Darshan Upadhyaya Re:
Enforcement of Judgment

FR: 4-2-20; 6-4-20; 9-10-20; 11-19-20; 1-14-21; 5-20-21; 8-5-21

Docket 23

***** VACATED *** REASON: OFF CALENDAR: Order Approving
Stipulation to Continue Hearing to July 21, 2022 at 10:00 AM Entered 11-8-
21 (Docket No. 57) (XX)**

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation to Continue Hearing to
July 21, 2022 at 10:00 AM Entered 11-8-21 (Docket No. 57) (XX) - jl/td**

Tentative Ruling:

April 2, 2020

In order to comply with social distancing guidelines, continue the examination to June 4, 2020 at 10:00 a.m., except that the parties are free to stipulate to a remote videoconference examination at a mutually agreeable time prior to June 4, 2020.

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge an order consistent with the same.

June 4, 2020

Continue the examination to September 10, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... Darshan Upadhyaya

Chapter 7

The courthouse remains closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse in accordance with applicable rules, including by video conference, prior to September 10, 2020. Depending on the status of pandemic-related rules and policies in place on September 1, 2020, the September 10, 2020 hearing may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

September 10, 2020

Continue the examination to November 19, 2020 at 10:00 a.m. (XX)

Basis for Tentative Ruling

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. Judgment creditor is free to schedule an examination outside the courthouse, including by video conference, prior to November 19, 2020. Depending on the status of pandemic-related rules and policies in place on November 19, 2020, the examination may be further continued.

Note: If the Judgment Creditor accepts the foregoing tentative ruling, appearance at this hearing is not required and Judgment Creditor shall serve notice of the continued hearing date/time. Non-appearance at the hearing will be deemed acceptance of the tentative ruling.

November 19, 2020

This tentative ruling applies to #s 15 and 16 on today's calendar:

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... Darshan Upadhyaya

Chapter 7

The courthouse is currently closed to in-person court appearances and on-site in-person judgment debtor examinations. However, as this court now conducts hearings on the Zoom platform, the examination may be accommodated by placing the parties in a separate private Zoom "room" after the examinees are sworn in by the courtroom clerk. It will be the responsibility of the Judgment Creditor to either have the court reporter call into the Zoom hearing at the commencement of the hearing or to make other arrangements for the participation of the court reporter. Alternatively, the Judgment Creditor is free to schedule an examination outside the courthouse, including by video conference, in which case this hearing will be continued to January 14, 2021 at 10:00 a.m.

The Judgment Creditor shall advise the courtroom clerk of its choice at the time of the calendar roll call.

Party Information

Debtor(s):

Darshan Upadhyaya

Represented By
Amid Bahadori

Defendant(s):

Darshan Upadhyaya

Represented By
Amid Bahadori

Plaintiff(s):

Floorit Financial, Inc.

Represented By
Tom Roddy Normandin
James T Jackson

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Jeremy Faith
Nina Z Javan
Meghann A Triplett

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

8:17-13439 David Ross Rowley

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BANK OF AMERICA, N.A.

VS.

DEBTOR

Docket 57

*** VACATED *** REASON: Order Continuing Hearing to 12/16/21 at
10:00 am Entered 11/12/21 (XX)

Courtroom Deputy:

**CONTINUED: Order Continuing Hearing to 12/16/21 at 10:00 am Entered
11/12/21- mp/td (XX) (11/12/21)**

Tentative Ruling:

November 18, 2021

Grant with codebtor relief and 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court
appearance by the Movant is required. Should an opposing party file a
late opposition or appear at the hearing, the court will determine
whether further hearing is required and Movant will be so notified.***

Party Information

Debtor(s):

David Ross Rowley

Represented By
Diane L Mancinelli

Movant(s):

Bank of America, N.A.

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... David Ross Rowley

Nancy L Lee

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

8:18-13556 Nam Howell

Chapter 13

#10.00 Hearing RE: Amended Motion for relief from the automatic stay
[REAL PROPERTY]

SPECIALIZED LOAN SERVICING LLC

VS.

DEBTOR

Docket 67

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Movant needs to explain the impact of the 12-month Covid-19 Payment Agreement on Debtor's delinquency. If the parties would like more time to explore a possible adequate protection resolution, the hearing may be continued by requesting a continuance during the court clerk's calendar roll call just prior to the hearing. Available hearing dates: Dec. 2, Dec. 9, Dec. 16, 2021 at 10:00 a.m. Additional dates may be available.

Party Information

Debtor(s):

Nam Howell

Represented By
Rabin J Pournazarian

Movant(s):

Specialized Loan Servicing LLC

Represented By
Natalie E Lea
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... Nam Howell

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

8:19-12509 Scott T. Vu and Thu M. Nguyen

Chapter 13

#11.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

FR: 10-21-21

Docket 57

***** VACATED *** REASON: Order Approving Stipulation for Adequate
Protection Entered 11/12/21**

Courtroom Deputy:

**OFF CALEDNAR: Order Approving Stipulation for Adequate Protection
Entered 11/12/21- mp/td (11/12/21_**

Tentative Ruling:

October 21, 2021

Grant the motion with waiver of 4001(a)(3) unless the Moving Party is willing to enter into an adequate protection order with Debtor. If more time is needed regarding an APO, the matter may be continued to November 18, 2021 at 10:00 a.m. by requesting a continuance during the clerk's calendar roll call prior to the hearing.

November 18, 2021

The parties are to advise the court re the status of this matter. If additional time is needed, the hearing may be continued a final time to December 16,

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... **Scott T. Vu and Thu M. Nguyen**

Chapter 13

2021 or January 13, 2022 at 10:00 a.m. by requesting a further continuance during the court clerk's calendar roll call prior to the hearing.

Party Information

Debtor(s):

Scott T. Vu

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Thu M. Nguyen

Represented By
Christopher J Langley
Michael Smith

Movant(s):

THE BANK OF NEW YORK

Represented By
Katie M Parker
Julian T Cotton
Mary D Vitartas
Dane W Exnowski

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

8:19-14683 Roberto Llamas

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

NEWREZ LLC

VS.

DEBTOR

Docket 67

*** VACATED *** REASON: Order Approving Stipulation for Adequate
Protection Entered 11/12/21

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation for Adequate Protection
Entered 11/12/21- mp/td (11/12/21)**

Tentative Ruling:

November 18, 2021

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court
appearance by the Movant is required. Should an opposing party file a
late opposition or appear at the hearing, the court will determine
whether further hearing is required and Movant will be so notified.***

Party Information

Debtor(s):

Roberto Llamas

Represented By
Rebecca Tomilowitz

Movant(s):

THE BANK OF NEW YORK

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT...

Roberto Llamas

Chapter 13

Mary D Vitartas
Dane W Exnowski

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

8:21-10133 John Steven Domingos

Chapter 13

#13.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

DEUTSCHE BANK NATIONAL TRUST COMPANY

VS.

DEBTOR

Docket 107

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay Under 11 U.S.C. §362 (Settled by
Stipulation) entered 11/10/2021**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay Under 11 U.S.C. §362 (Settled by Stipulation) entered 11/10/2021 -
td (11/10/2021)**

Tentative Ruling:

Party Information

Debtor(s):

John Steven Domingos

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

Deutsche Bank National Trust

Represented By
Robert P Zahradka
Megan E Lees
Chad L Butler

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

8:21-11723 Advantage Manufacturing, Inc.

Chapter 11

#14.00 CON'TD Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

ZHEJIANG CRAFT FAB ELECTRIC CO., LTD.

VS.

DEBTOR

FR: 10-14-21

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 14, 2021

Grant the motion for the reasons and based upon the legal analysis stated in the Motion; overrule Debtor's objections as unpersuasive.

November 18, 2021

The parties are to advise the court regarding the status of this matter. If more time is needed, the parties may request a final continuance to December 16, 2021 at 10:00 a.m. during the court clerk's calendar roll call prior to the hearing.

Party Information

Debtor(s):

Advantage Manufacturing, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... Advantage Manufacturing, Inc.

Chapter 11

Michael G Spector
Vicki L Schennum

Movant(s):

Zhejiang Crafab Electric Co., Ltd.

Represented By
Larry W Gabriel

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room 5A

10:00 AM

8:21-11917 Blue Cargo Group, LLC

Chapter 7

#15.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
BANK OF AMERICA, N.A.
VS.
DEBTOR

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Continue hearing to December 16, 2021 at 10:00 a.m. to allow Movant to correct service issue.

Basis for Tentative Ruling:

1. The filing of a motion for relief from the automatic stay against a debtor is a contested matter within the meaning of FRBP 9014.
2. Debtor is a corporate entity (LLC). Pursuant to FRBP 9014, service of the Motion must be made in the manner required by FRBP 7004(b)(3), i.e., to an officer, director, managing agent or agent for service of process.

Note: If Movant accepts the tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Blue Cargo Group, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... Blue Cargo Group, LLC

Chapter 7

Thomas J Polis

Movant(s):

Bank of America, N.A.

Represented By
Michele S Assayag

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

8:21-11987 Andrea A Montalvo

Chapter 13

#16.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

U.S. BANK TRUST NATIONAL ASSOCIATION

VS.

DEBTOR

FR: 10-14-21

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 14, 2021

Grant motion with all relief requested, including *in rem* relief under Section 362(d)(4).

Special Note: The court did consider the late-filed opposition of Debtor because Debtor's counsel was erroneously terminated from the NEF program by the court.

Basis for Tentative Ruling:

1. This is the fourth bankruptcy filing in less than three years. The first three were all failed chapter 13 cases filed by Debtor's father, Ernesto Mantalvo ("Ernesto").
2. The mortgage payments were three years delinquent at the time the a portion of the property was transferred by Ernesto to Debtor for no

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... Andrea A Montalvo

Chapter 13

consideration on August 12, 2021, just four days prior to the scheduled foreclosure and the filing of the present case. Indeed, at the time of the transfer, Judge Wallace had entered an order dismissing case No. 21-11046 with a 180-day bar (the bar was subsequently removed by order entered after the instant case was filed).

3. According to her Schedule I, Debtor is unemployed and has insufficient income to pay the mortgage payments, taxes and insurance re the property, let alone ordinary living expenses.

4. Debtor states in her Schedule A/B that she is the sole owner of the property. This is not true -- by her own admission in her declaration in opposition to the Motion, Ernesto transferred the property to her and himself as joint tenants. See Declaration of Andrea Montalvo at paragraph 13. Further, based on the the representations made in paragraph 11 of the same declaration, it would appear that her aunt and uncle each claim an interest in the property as trust beneficiaries. Their interests are not listed in Schedule A/B.

5. Debtor states in Schedule J that the mortgage, property taxes and insurance is only \$2280 per month. This apparently is not true. In Ernesto's most recent bankruptcy filing, 21-11046MW, he indicates that the monthly amount is 3900.00

6. Debtor's plan provides that a motion to sell the property is to be filed prior to the 341a meeting of creditors. The 341a meeting took place on September 28, 2021. To date, no such motion has been filed. The court notes parenthetically, that online valuation websites such as Redfin and Zillow are not evidence of the value of a particular property.

7. Given the multiple bankruptcy cases and the transfer for no consideration just days before the foreclosure and fiing (not to mention the substantial arrears), this matter falls squarely within the scope of the purpose for which Section 362(d)(4) was intended by Congress. More specifically, the evidence indicates that this bankruptcy case was filed as part of a scheme to delay or hinder a creditor, despite Debtor's self-serving argument to the contrary.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... Andrea A Montalvo

Chapter 13

November 18, 2021

Grant motion with all relief requested, including *in rem* relief under Section 362(d)(4) and annulment.

Basis for Tentative Ruling:

The court incorporates by reference the findings in its October 14, 2021 tentative ruling. In addition, Movant has provided evidence that it was not aware of Debtor's bankruptcy filing prior to the foreclosure sale on April 16, 2021 -- Debtor's father (co-owner) repeatedly advised Movant's representative that he himself had filed a bankruptcy petition prior to the foreclosure sale and did not provide accurate information regarding this bankruptcy case until *after* the foreclosure sale had already been conducted. Taking into account all of circumstances (see Oct. 14, 2021 tentative ruling), annulment of the automatic stay is warranted in this matter.

Party Information

Debtor(s):

Andrea A Montalvo

Pro Se

Movant(s):

U.S. Bank Trust National

Represented By
Erica T Loftis Pacheco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

8:21-11935 Edith Alatorre

Chapter 13

#16.10 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

WILMINGTON TRUST, N.A.

VS.

DEBTOR

FR: 10-21-21; 11-4-21

Docket 23

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 11/4/2021**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 11/4/2021 - td (11/4/2021)**

Tentative Ruling:

October 21, 2021

Grant motion without 4001(a)(3) waiver and with co-debtor relief BUT no trustee's sale prior to December 21, 2021.

Note: If both parties accept the tentative ruling, appearances at this hearing are not required.

November 4, 2021

The parties are to advise the court re the status of this matter. If a further continuance is required, such a continuance may be requested during the

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 18, 2021

Hearing Room

5A

10:00 AM

CONT... **Edith Alatorre**

Chapter 13

calendar roll call by the clerk. Available continued dates: December 9 or
December 16, 2021 at 10:00 a.m.

Party Information

Debtor(s):

Edith Alatorre

Represented By
Sunita N Sood

Movant(s):

Wilmington Trust, National

Represented By
Darlene C Vigil

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

#17.00 CON'TD Post Confirmation Status Conference RE: Trustee's Chapter 11 Plan of Reorganization for SUNCAL EMERALD MEADOWS, LLC (Dated May 1, 2017)

(Set at Ch 11 Plan Conf. hrg. held 6-15-17)

FR: 12-14-17; 5-31-18; 11-15-18; 5-30-19; 11-21-19; 5-21-20; 11-19-20; 5-20-21

Docket 5270

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 14, 2017

A post-confirmation status report was due November 30, 2017 per the Confirmation Order entered June 28, 2017 [docket #5285]. Impose sanctions of \$100 against Reorganized Debtor's counsel for failure to do so; court to issue OSC why the case should not be dismissed for failure to prosecute.

Note: Appearance at this hearing is required.

May 31, 2018

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report to be filed by November 1, 2018. (XX)

Note: Appearance at this hearing is not required.

November 15, 2018

Continue status conference to May 30, 2019 at 10:30 a.m.; updated status report must be filed by May 16, 2019 unless a final decree has been entered by such date. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

Note: Appearance at this hearing is not required.

May 30, 2019

Continue status conference to November 21, 2019 at 10:30 a.m.; updated status report must be filed by November 7, 2019, 2019 unless a final decree has been entered by such date. (XX)

Note: Appearance at this hearing is not required.

November 21, 2019

Continue status conference to May 21, 2020 at 10:30 a.m.; updated status report must be filed by May 7, 2020 unless a final decree has been entered by such date. (XX)

Note: Appearance at this hearing is not required.

May 21, 2020

Continue status conference to November 19, 2020 at 10:30 a.m.; updated report to be filed by November 5, 2020. (XX)

Note: Appearance at today's hearing is not required.

November 19, 2020

Continue status conference to May 20, 2021 at 10:30 a.m.; updated status report must be filed by May 6, 2021. (XX)

Note: Appearance at today's hearing is not required.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

May 20, 2021

Continue Status Conference to November 18, 2021 at 10:30 a.m.; updated Status Report must be filed by November 4, 2021. (XX)

Note: Appearance at today's hearing is not required.

November 18, 2021

Continue status conference to May 12, 2022 at 10:30 a.m.; updated status report must be filed by April 28, 2022.

Note: Appearance at today's hearing is not required.

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By

Paul J Couchot
Peter W Lianides
Richard W Esterkin
Asa S Hami
Charles Liu
James M Miller
Raymond H. Aver
Sean A OKeefe
Marc J Winthrop
Martin Pritikin
Selia M Acevedo
Francis T Donohue
Richard H Golubow
Louis R Miller
Jeffrey W Broker
Kavita Gupta
Garrick A Hollander

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

Trustee(s):

Steven M Speier (TR)

Represented By
Louis R Miller
Mike D Neue
Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:09-14788 David Clement Jones and Diana Leslie Jones

Chapter 7

#18.00 Hearing RE: Trustee's Final Report and Application for Compensation

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

David Clement Jones

Represented By
Robert P Taylor

Joint Debtor(s):

Diana Leslie Jones

Represented By
Robert P Taylor

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room 5A

10:30 AM

8:14-14774 Clayton M. Anderson, APC

Chapter 7

#19.00 Hearing RE: Trustee's Chapter 11 Final Report

[JEFFREY I. GOLDEN, CHAPTER 11 TRUSTEE]

Docket 437

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Approve fees and expenses as set forth in the chapter 7 trustee's final report and account [docket # 432]

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Clayton M. Anderson, APC

Represented By
Mufthiha Sabaratnam

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Cicely T Ray
Beth Gaschen
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:14-14774 Clayton M. Anderson, APC

Chapter 7

#20.00 Hearing RE: Trustee's Final Report and Application for Final Fees and Expenses

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 432

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Clayton M. Anderson, APC

Represented By
Mufthiha Sabaratnam

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Cicely T Ray
Beth Gaschen
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:14-14774 Clayton M. Anderson, APC

Chapter 7

#21.00 Hearing RE: Weiland Golden Goodrich LLP's: (1) Second and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses of Counsel for the Chapter 11 Trustee; (2) First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses of Counsel for the Chapter 7 Trustee

**[WEILAND GOLDEN GOODRICH LLP, COUNSEL FOR:
(1) THE CHAPTER 11 TRUSTEE; AND (2) THE CHAPTER 7 TRUSTEE]**

Docket 421

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Approve fees and expenses as set forth in the chapter 7 trustee's final report and account.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Clayton M. Anderson, APC

Represented By
Mufthiha Sabaratnam

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Cicely T Ray

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

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5A

10:30 AM

CONT...

Clayton M. Anderson, APC

Beth Gaschen
Jeffrey I Golden

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:14-14774 Clayton M. Anderson, APC

Chapter 7

#22.00 Hearing RE: First and Final Fee Application For Allowance of Fees and Expenses from March 25, 2015 Through February 1, 2021

[HAHN FIFE & COMPANY LLP, ACCOUNTANT FOR TRUSTEE]

Docket 419

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Approve fees and expenses as set forth in the chapter 7 trustee's final report and account.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Clayton M. Anderson, APC

Represented By
Mufthiha Sabaratnam

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Cicely T Ray
Beth Gaschen
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

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5A

10:30 AM

8:17-10717 Mohieddin Alavi

Chapter 13

#23.00 Hearing RE: Trustee's Notice of Intent to Increase Dividend to Unsecured Creditors filed by Amrane Cohen, Chapter 13 Trustee

Docket 106

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Deny the Motion

Basis for Tentative Ruling

1. No evidence has been provided by the trustee in support of the increased dividend.
2. The opposition filed by Debtor in the form of a declaration is incoherent and facially nonresponsive to the trustee's notice. However, the trustee has the burden of clearly stating and substantiating the basis for increasing the dividend.

Party Information

Debtor(s):

Mohieddin Alavi

Represented By
Arlene M Tokarz

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:20-10936 Vantage Point Apparel Software, Inc.

Chapter 11

#24.00 Post-Confirmation Status Conference RE: Debtor's Second Amended
SubChapter V Chapter 11 Plan of Reorganization Dated January 25, 2021

(Set at Plan Hrg Held 5-20-21)

Docket 84

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Entry of Final Decree and for Order Closing Case Entered 11/3/2021**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Entry of Final Decree and
for Order Closing Case Entered 11/3/2021 - td (11/3/2021)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vantage Point Apparel Software, Inc.

Represented By
Michael Jones

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 18, 2021

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5A

10:30 AM

8:21-10608 DEA Brothers Sisters LLC

Chapter 11

#25.00 CONT'D Hearing RE: Debtor's Objection to Proof of Claim No. 2-1 filed by A&G Interprises, LLC,

FR: 9-30-21; 10-14-21

Docket 203

***** VACATED *** REASON: OFF CALENDAR: Order Granting
Stipulation by DEA Brothers Sisters LLC and A&G Interprises LLC
Revising Proof of Claim No. 2's Amount (Docket No. 292) Entered 11/12/2021**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Stipulation by DEA Brothers Sisters
LLC and A&G Interprises LLC Revising Proof of Claim No. 2's Amount
(Docket No. 292) Entered 11/12/2021 - td (11/12/2021)**

Tentative Ruling:

October 14, 2021

The parties are ordered to meet and confer re the amended proof of claim by or before October 29, 2021. Any supplemental pleadings by Claimant to be filed by November 5, 2021 and any supplemental reply by Debtor to be filed by November 12, 2021. Hearing continued to November 18, 2021 at 10:30 a.m. (XX)

Basis for Tentative Ruling:

1. The filing of the tentative ruling moots the original proof of claim that Debtor objected to.
2. The court finds that Claimant, having the ultimate burden of proof, has not satisfied that burden as to the \$178,217 acknowledged as being received in writing by its managing member Ana Gladys Hueza. Her declaration stating that she was essentially duped into signing the acknowledgment strains credulity. Further, she signed a very detailed declaration *in English*.

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10:30 AM

CONT... DEA Brothers Sisters LLC

Chapter 11

3. Debtor has not provided sufficient evidence that the \$47,000 paid to Mr. Gonzalez outside the escrow should be credited against the loan.

4. It appears that many payments were made without specific attribution to there treatment re the loan. If the parties cannot reach a resolution, the court may have to set an evidentiary hearing.

Party Information

Debtor(s):

DEA Brothers Sisters LLC

Represented By
John H Bauer

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:21-10635 Alicia Marie Richards

Chapter 7

#26.00 Hearing RE: Application by Chapter 7 Trustee to Employ Hahn Fife & Company
LLP as Accountant

Docket 378

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Approve employment application.

***Note: This matter appears to be uncontested. Accordingly, appearance
at this hearing is not required.***

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Richard G Heston
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 18, 2021

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5A

10:30 AM

8:21-10958 Plamex Investment, LLC

Chapter 11

#27.00 Hearing RE: Application of Debtors and Debtors in Possession to Jointly Employ Jones Lang Lasalle Americas, Inc. as Real Estate Broker Pursuant to 11 U.S.C. Sections 327 and 328

Docket 181

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Appearance required to explain why Exhibits 1 and 2 referenced in the application were not attached.

Party Information

Debtor(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y. Oh
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:21-10958 Plamex Investment, LLC

Chapter 11

#28.00 Hearing RE: Motion for Approval of Stipulation Modifying Order Approving on a Final Basis Application of Debtors and Debtors in Possession to Jointly Employ NAI Capital Commercial, Inc. as Real Estate Broker Pursuant to 11 U.S.C. Section 327 and 328, as Modified

Docket 184

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Grant motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y. Oh
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:21-10958 Plamex Investment, LLC

Chapter 11

#29.00 Hearing RE: Motion for Order: (1) Establishing Bidding Procedures for Sale of Real Property Free and Clear of All Liens, Claims, Encumbrances, and Other Interests; (II) Approving Stalking Horse Bidder, Including Expense Reimbursement Rights; (III) Establishing Procedures Relating to Assumption and Assignment of Executory Contracts and Unexpired Leases; (IV) Approving Form and Manner of Sale and Cure Notices; (V) Scheduling an Auction Should there be More Than One Qualifying Bid; (VI) Scheduling a Hearing to Consider Approval of Sale; (VII) Approving and authorizing Debtors to Enter into a Plan Support Agreement; and (VIII) Granting Related Relief,

Docket 189

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

Grant the Motion subject to certain clarifications.

Comments of the Court re Clarifications

As a preliminary matter, the court found the motion and the relief requested therein to be less than a model of clarity. Instead of providing a proposed schedule of deadlines, Debtors have elected to assign this confusing task to the court, including deadlines concerning executory contracts/leases. The court declines to accept the assignment as to the latter.

1. Dec. 10, 2022 at 4:00 p.m. PST-- Bid Deadline
2. Dec. 13, 2022 -- Deadline to give notice of existence of qualified bids/auction
3. Dec. 15, 2022 -- Auction date

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, November 18, 2021

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5A

10:30 AM

CONT... Plamex Investment, LLC

Chapter 11

4. Debtors request a sale hearing date two days after the auction date AND the same date as the plan confirmation hearing. How is the court to know when Debtors will be in a position to seek confirmation of the plan? Have Debtors factored in the required 28-day notice period? Do Debtors intend to seek confirmation without a disclosure statement hearing? Are there no unimpaired creditors?

5. Re the bidding procedures attached as Exhibit A to the Chae Decl, why are due diligence requests being direct to NAI, the *former* broker? See Exh A at p.5.

6. Re reimbursement expenses of SH Bidder: What is the cap on such expenses?

7. As of 11/16/21, no revised Exhibits B & C to the Chae Decl have been filed. Given the number and nature of other matters on the court's 11/18 calendar, it is highly unlikely the court will be able to review anything filed the day before or the day of the hearing.

Party Information

Debtor(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y. Oh
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

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5A

10:30 AM

8:21-10958 Plamex Investment, LLC

Chapter 11

#30.00 CON'TD Hearing RE: Motion for Order Further Extending Debtors' Exclusive Periods to File Plan of Reorganization and Obtain Acceptances Thereof

FR: 9-30-21

Docket 141

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 30, 2021

Grant the Motion in part -- extend exclusivity to file the plan and disclosure statement to December 10, 2021 and the time to solicit acceptances to January 10, 2022.

Basis for Tentative Ruling

1. This is the second extension request.
2. Debtors have apparently received offers sufficient to pay all creditors in full. Creditors should not be unreasonably delayed in receiving payment of their claims based solely on the desire of Debtor's insiders to maintain the property (and equity) for themselves.
3. As of December 10, 2021, Debtors will have had approximately nine months to file a plan and disclosure statement. The court is not persuaded that the cases warrant an extension of exclusivity beyond such date.

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.

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**CONT... Plamex Investment, LLC
November 18, 2021**

Chapter 11

Grant motion through and including January 21, 2022 and February 22, 2022.
No further extensions will be granted.

Party Information

Debtor(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y Oh
Monica Y Kim

**United States Bankruptcy Court
Central District of California**

Judge Erithe Smith, Presiding

Courtroom 5A Calendar

Hearing Room

10:30 AM

Chapter 11

#31.00 CON'TD STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 6-17-21; 10-14-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 17, 2021

Claims Bar Date: 8/20/21

Deadline to file plan/DS
(subject to any motion to
extend exclusivity) 9/30/21

Continued Ch 11 Status Conf.: 10/14/21 at 10:30 a.m. (XX)

Updated Status Report due: 9/30/21 (waived if plan and DS filed)

Note: If Debtors are in substantial compliance with the requirements of the UST, appearance at this hearing is not required. Court to issue its own order.

October 14, 2021

Continue Status Conference to November 18, 2021 at 10:30 a.m. Updated Status Report must be filed by November 4, 2021 only if a bid procedures

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Santa Ana
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10:30 AM

CONT... Plamex Investment, LLC

Chapter 11

motion has not been filed by such date. (XX)

Note: If Debtors are in substantial compliance with the requirements of the UST, appearance at this hearing is not required. Court to issue its own order.

November 18, 2021

Continue Status Conference to February 17, 2022 at 10:30 a.m.; updated Status Report must be filed by February 3, 2022 if a plan has not been filed by such date.

Party Information

Debtor(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y Oh
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 18, 2021

Hearing Room

5A

10:30 AM

8:21-12158 Besthost Inn LLC

Chapter 11

#32.00 CON'TD Hearing RE: Cuong Nguyen's Motion to Dismiss Chapter 11 Case with Prejudice

FR: 10-21-21

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Continue hearing to December 18, 2021 at 10:30 a.m. to allow moving party to correct defective service: Notice of the motion was not served on all creditors as required by FRBP 2002(a).

Novmber 18, 2021

Grant the motion to dismiss (without prejudice) solely on the basis that Mr. Reazzudin lacked authoriy under the Operating Agreement to file the bankruptcy case.

Basis for Tentative Ruling

Short Analysis: The court agrees with and incorporates by reference herein the analysis set forth in the Motion and Reply concerning Mr. Reazuddin's lack of authority to commence the bankruptcy case without Mr. Nguyen's consent. That being the case, all other arguments of Debtor and the Subchapter V Trustee must fail, including the argument that dismissal would not be in the best interest of creditors. The court further finds there is not sufficient evidence to support a finding of bad faith.

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Thursday, November 18, 2021

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5A

10:30 AM

CONT... Besthost Inn LLC

Chapter 11

Longer Analysis:

Sections 2.01(c) and (d) of the Agreement require the vote of 100% of the Members—i.e., the vote of both Nguyen and Reazuddin—to make any "major decisions" for Besthost. (Nguyen Decl., Ex. A, Sec. 2.01(c), (d).) More specifically, the Agreement requires the vote of both Nguyen and Reazuddin to make "Any other decision or action which, considered before making the decision or taking the action, would reasonably have been expected to have a substantial or material effect upon [Besthost] as contrasted with a decision or action which would be routine or in the ordinary course of business of [Besthost]. (Id., Ex. A, Sec. 2.01(c)(14) & (d).) In addition, the Operating Agreement requires both Nguyen and Reazuddin's approval to employ accountants, attorneys, consultants, and other persons or firms necessary or desirable to carry on the business of Besthost. (Nguyen Decl., Ex. A, Sec. 2.01(c)(11) & (d).)

Filing bankruptcy would undoubtedly have a substantial or material effect upon Debtor, and Debtor did not deny that filing for bankruptcy is a "major decision" in its Opposition. This finding requires 100% of the vote of both Nguyen and Reazuddin for Debtor to file bankruptcy. Debtor claims Reazuddin, through Mohammed Parvez, sent a letter of intent to file bankruptcy to Nguyen on August 13, 2021, but received no response. Opp'n at 2; 8. Nguyen states that he received no letter, and Reazuddin did not even attempt to obtain Nguyen's vote before engaging bankruptcy counsel or filing this bankruptcy case. (Nguyen Decl., ¶ 5.). Whether the letter was sent or not, the fact remains that Nguyen did not vote in favor of filing bankruptcy as required by 2.01(c).

The court finds Debtor's arguments that Nguyen as a "defaulting" member no longer held any authority under the Operating Agreement to be wholly unpersuasive.

Bottom line, this power struggle between the 50% members must be determined in state court. Due to Reazuddin's lack of authority to file the petition, bankruptcy is not the solution to the dispute.

EVIDENTIARY OBJECTIONS

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 18, 2021

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5A

10:30 AM

CONT... Besthost Inn LLC

Chapter 11

Movant's Evidentiary Objections to the Declaration of Michael Reazuddin

Sustain all objections.

Special Note: Re Movant's objection to the updated opposition filed by Debtor following the continuance of the hearing, Local Bankruptcy Rule 9013-1(m)(4) provides that "[u]nless an order for continuance states otherwise, a continuance of the hearing of a motion automatically extends the time for filing and serving opposing or responsive documents and reply documents." As the court did not expressly state that additional pleadings could not be filed, Debtor was not in violation of LBR 9013-1 by filing the additional opposition.

Party Information

Debtor(s):

Besthost Inn LLC

Represented By
Michael Jay Berger

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 18, 2021

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5A

10:30 AM

8:21-12158 Besthost Inn LLC

Chapter 11

#33.00 CON'TD Hearing RE: Amended Motion for Relief from the Automatic Stay
[ACTION IN NONBANKRUPTCY FORUM]

CUONG NGUYEN

VS.

DEBTOR

FR: 10-21-21

Docket 65

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Continue hearing to December 18, 2021 at 10:30 a.m. to allow moving party to correct defective service: 20 Largest Unsecured Creditors were not served as required by FRBP 4001(a).

November 18, 2021

If the motion to dismiss the case is granted as set forth in the tentative ruling for #32 on today's calendar, this motion for relief from the automatic stay will be denied as moot.

Party Information

Debtor(s):

Besthost Inn LLC

Represented By
Michael Jay Berger

**United States Bankruptcy Court
Central District of California
Santa Ana
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10:30 AM

CONT... Besthost Inn LLC

Chapter 11

Movant(s):

Cuong Nguyen

Represented By
Proud Usahacharoenporn

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, November 18, 2021

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10:30 AM

8:21-12158 Besthost Inn LLC

Chapter 11

#34.00 CONT'D STATUS CONFERENCE Hearing on Status of SubChapter V Case; (2) Requiring Report on Status of SubChapter V Case by Debtor and SubChapter V Trustee; and (3) Requiring SubChapter V Trustee to Appear at the Status Conference

FR: 10-14-21; 10-21-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 14, 2021

Continue Status Conference to October 21, 2021 at 2:00 p.m., same date/time as other matters concerning this case. Updated Status Report not required. (XX)

Note: Appearances at this hearing are not required.

October 21, 2021

Continue Status Conference to November 18, 2021 at 10:30 a.m., same date/time as continued hearing on the Motion to Dismiss Case. Updated Status Report not required. (XX)

November 18, 2021

This matter will go off calendar if the motion to dismiss the case is granted.

Party Information

**United States Bankruptcy Court
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10:30 AM

CONT... Besthost Inn LLC

Chapter 11

Debtor(s):

Besthost Inn LLC

Represented By
Michael Jay Berger

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, November 18, 2021

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5A

2:00 PM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01035 Lenhardt et al v. Dickinson

#35.00 Hearing RE: Defendant's Motion for Summary Judgment

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

The court has reviewed the pleadings and intends to take this matter under advisement and issue a written ruling in the next 30-40 days. Either party may choose to 1) rest on their written pleadings without oral argument or 2) present up to 15 minutes of oral argument at today's hearing. **Pending the court's rulings on these matters, no party is to file any additional motions.**

Comments

The court intends to review all motions to strike and motions for summary judgment at one time and render separate rulings for each. Accordingly, no written decision will be issued prior to the pending hearing on Golden Rain Foundation's motion to strike scheduled for December 9, 2021.

Party Information

Debtor(s):

Alan Dickinson

Represented By

Christopher J Langley

Defendant(s):

Alan Dale Dickinson

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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2:00 PM

CONT... Alan Dickinson

Chapter 7

Plaintiff(s):

David P. Lenhardt

Represented By
Adrianos Facchetti

Fred Scott Peters

Represented By
Adrianos Facchetti

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
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2:00 PM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01037 Golden Rain Foundation of Laguna Woods v. Dickinson

#36.00 Hearing RE: Defendant's Motion for Summary Judgment

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 18, 2021

The court has reviewed the pleadings and intends to take this matter under advisement and issue a written ruling in the next 30-40 days. Either party may choose to 1) rest on their written pleadings without oral argument or 2) present up to 15 minutes of oral argument at today's hearing. **Pending the court's rulings on these matters, no party is to file any additional motions.**

Comments

The court intends to review all motions to strike and motions for summary judgment at one time and render separate rulings for each. Accordingly, no written decision will be issued prior to the pending hearing on Golden Rain Foundation's motion to strike scheduled for December 9, 2021.

Party Information

Debtor(s):

Alan Dickinson

Represented By

Christopher J Langley

Defendant(s):

Alan Dale Dickinson

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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5A

2:00 PM

CONT... Alan Dickinson

Chapter 7

Plaintiff(s):

Golden Rain Foundation of Laguna

Represented By
Fred S Peters

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 18, 2021

Hearing Room

5A

2:00 PM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01035 Lenhardt et al v. Dickinson et al

#37.00 ORAL RULING Hearing RE: Cross-Defendants David P. Lenhardt's and Fred S. Peters' Special Motion to Strike Cross-Complaint Pursuant to Cal. Civ. Code 425.16

FR: 11-9-21

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

The court will hear oral argument regarding the Cross-Defendant's Motion to Strike and then take the matter under submission until November 18, 2021 at 2:00 p.m. The parties should assume that the court has read all the papers and should limit oral argument to 1) highlighting and summarizing key arguments and 2) addressing any issues raised by the court below. Moving Parties (Cross Defendants) will have a maximum of 15 minutes to present opening argument; Cross-Complainant (Debtor) will have a maximum of 15 minutes to respond; and Moving Parties will have a maximum of 10 minutes to reply. Arguments will be timed by the court. (XX)

Court's Comments

1. Moving Parties to address a) whether the Motion to Strike is based on legal deficiencies in the Cross-Complaint or factual insufficiencies or both; and b) whether all allegations in the Cross-Complaint are subject to claim/issue preclusion.
2. Debtor to clarify what, if any, allegations in the Cross-Complaint relate to alleged conduct of the Moving Parties in this adversary proceeding.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 18, 2021

Hearing Room 5A

2:00 PM

CONT... Alan Dickinson

Chapter 7

November 18, 2021

No ruling will be rendered today. The court wishes to review all four matters (this motion to strike, the motions for summary judgment scheduled for today, the motion to strike scheduled for December 9, 2021) together before issuing a ruling. **Pending the court's rulings on these matters, no party is to file any additional motions.**

Court's Comments

The court was not aware at the November 9, 2021 hearing that Golden Rain Foundation had also filed a motion to strike.

Party Information

Debtor(s):

Alan Dickinson

Represented By
Christopher J Langley

Defendant(s):

Alan Dale Dickinson

Pro Se

Plaintiff(s):

David P. Lenhardt

Represented By
Adrianos Facchetti

Fred Scott Peters

Represented By
Adrianos Facchetti

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se